

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC., and
PALO ALTO NETWORKS, INC.,
Petitioner,

v.

PACKET INTELLIGENCE LLC,
Patent Owner.

Case IPR2020-00337

U.S. Patent No. 6,771,646

PETITIONER'S REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70, Juniper Networks, Inc., and Palo Alto Networks, Inc. (“Petitioner”), submit this Request for Oral Hearing on the instituted grounds of unpatentability for claims 1-3, 7, 16, and 18 of U.S. Patent No. 6,771,646 under 35 U.S.C. § 103(a) and associated issues. Petitioner proposes consolidating this requested hearing with the hearings of IPR2020-00336, -00338, -00339, and -00486. Petitioner also requests rebuttal to respond to all issues raised by Patent Owner’s presentation.

Petitioner intends to discuss the issues raised in the parties’ filings under the ongoing reviews, including but not limited to, the following items:

1. Any issues addressed by Petitioner, including in the Petition for Inter Partes Review and Reply, including the patentability of claims 1-3, 7, 16, and 18 of U.S. Patent No. 6,771,646.
2. Any issues properly raised by Patent Owner, including in Patent Owner Responses.
3. Rebuttal to issues raised by Patent Owner, including in any Responses, motions to exclude, or requests for oral argument.
4. Any other issues related to patentability that the Board deems necessary for issuing a final written decision.

Similar claims are at issue in this proceeding and in co-pending IPR2020-00336, IPR2020-00338, IPR2020-00339, and IPR2020-00486. As such, Petitioner

suggests that these hearings be consolidated together for efficiency. Petitioner requests that the Oral Hearings for these five proceedings be consolidated and conducted on a single day, June 9, 2021, with each side limited to two (2) hours of oral argument. The five proceedings involve substantially overlapping claim scope including the same claim construction issue, and rely on substantially the same prior art. Moreover, Patent Owner's arguments across its responses are duplicative as evidenced by the nearly identical headings in the respective tables of contents. *Compare* IPR2020-00336, Paper 26 at vi-vii; IPR2020-00337, Paper 26 at vi-vii; IPR2020-00338, Paper 27 at vi-vii; IPR2020-00339, Paper 28 at vi-vii; IPR2020-00486, Paper 27 at vi-vii. Accordingly, Petitioner proposes that arguments for all five IPRs be jointly held with an allocation of two (2) hours per side, with the opportunity to reserve time for rebuttal for Petitioner. Petitioner will present arguments first, followed by Patent Owner's arguments, and then followed by any time reserved for rebuttal.

Petitioner has attempted to secure Patent Owner's agreement on the above consolidation proposal, but Patent Owner was of the opinion that if the Board wanted to consolidate, it would have already elected to do so.¹ In its Requests for Hearing,

¹ An April 27th, 2021 e-mail from A. Bullwinkel (Patent Owner counsel) to A. Radsch (Petitioner counsel) states that "PI opposes the request for consolidation. The

however, Patent Owner now indicates that it would “not object” to the Board consolidating the five proceedings into two hearings (*i.e.*, consolidating the hearings for the IPR2020-00336 and IPR2020-00337 proceedings on one day, and consolidating the hearings for the IPR2020-00338, IPR2020-00339, and IPR2020-00486 proceedings on the following day), with each side having sixty (60) minutes per consolidated hearing. *See, e.g.*, IPR2020-00336, Paper 33 at 2; IPR2020-00486, Paper 32 at 2. Accordingly, it appears that Petitioner and Patent Owner agree that each side should have two (2) hours for oral argument across the five proceedings. Petitioner believes that it would be most efficient for that oral argument to be conducted in one session on one day, instead of in duplicative sessions over two days.

To the extent the Board decides to move forward with separate hearings, Petitioner proposes that arguments for both IPR2020-00336 and IPR2020-00337 be jointly held (as already scheduled by the Board) with an allocation of sixty (60) minutes per side, with the opportunity to reserve time for rebuttal for Petitioner. Petitioner will present arguments first, followed by Patent Owner’s arguments, and then followed by any time reserved for rebuttal. Petitioner also requests, for

Board has already tweaked the schedule for some of these proceedings and elected not to combine them.”

efficiency, that a hearing consolidating IPR2020-00338, -00339, and -00486 (consistent with Patent Owner's Requests) be conducted on the same day.

Furthermore, in view of the USPTO's update on oral hearings scheduled to take place at USPTO offices on or after Friday, March 13, 2020, Petitioner intends to participate via remote video and/or telephone.

If the Board is able to hold an in-person hearing, Petitioner requests that the hearing be conducted at the USPTO Headquarters in Alexandria, VA. Petitioner also requests two spaces be reserved for counsel at counsel's table and five additional spaces be reserved in the hearing room to accommodate additional counsel and corporate representatives. Petitioner also requests that the attorneys at Petitioner's counsel table be allowed to use computers, and that audio/visual equipment be provided to display demonstratives.

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